

The FBI admits thousands of tips came in. None were followed up.

FBI statements at the time said they were following standard procedure. What they meant by that, which they later admitted, is that in background investigations, they are agents of the White House and under White House political direction, so their regular procedures did not apply. The standard procedure they said they were following was the procedure of not following the standard procedures, if you can get around that verbal somersault.

What the FBI did not say is that, aside from standard investigative procedures they did not follow, there are also standard FBI procedures for background investigations. The FBI is a procedure-bound institution. We are still digging and we are going to keep digging, but it looks like they didn't follow those background investigation procedures either.

For apparently the first and only time in a background investigation, I believe an FBI "investigation" was put under the operational control of the White House so that the White House could craft, with the FBI, the appearance of an FBI investigation without any real investigating. The kind of pressure it takes to do that is intense. That is gale force. That is the spindrift flying. It takes a gale of pressure to have the FBI violate so many of its own procedures, to meekly go along with the White House's abuse of the FBI's longstanding reputation for thoroughness and integrity. That is the kind of gale-force pressure the scheme can mount. The scheme had to have its prize.

Republicans even turned their guns on polite, honorable, bipartisan DIANNE FEINSTEIN. She was accused of a corrupt plot to sandbag Kavanaugh. Senator FEINSTEIN is not capable of such a thing, and everyone knows it, so this attack on her was yet another signal.

There was a new narrative to impose. Kavanaugh becomes the victim, wicked Democrats become the wrongdoers, Dr. Blasey Ford and her testimony get swept aside, and, in a well-whipped stampede of partisan tribal anger and grievance, Kavanaugh sweeps onto the Court.

Another signal that I am still seeing now is the effort of rightwing media to cover this all up. After Senator COONS and I pressed the FBI on this bogus investigation, the National Review and other rightwing outlets immediately published articles to tidy things up. Their main source seems to be a former Republican Judiciary staffer who tweeted and then deleted "Unfazed and determined. We will confirm Judge Kavanaugh" just a few days after the Blasey Ford investigation came to light, before this so-called investigation was concluded.

The coverup article suggests three things: First, hey, we had a chance to read all of the over 4,500 tips the FBI received; second, there was a 400- or a 600—it varies depending on the arti-

cle—page FBI report assessing the tips and exonerating Kavanaugh that was circulated to all Senators, and all we had to do was read it; and third, that had there been anything wrongful or incriminating or derogatory that was found, it could have been referred for further investigation.

Let's look at those three claims.

First, this "open access" to those documents was the 2-hour window I was talking about where we could go in and speed-date with raw FBI documents in piles and interview reports—again, no notes, no copies, no pictures; just piles of documents in a room we had to walk through and clear out of—and if we wanted, we could return to review the documents when votes on cloture and confirmation were ongoing. I am not making that up.

The supposed report, this 400- or 600- or whatever page report, is actually a 28-page document compiled by Republican Senate Judiciary Committee staff, not the FBI, with hundreds of pages of attachments to thicken it up. Those 28 pages are pure political whitewash that cast aside the credible claims offered to the FBI for further investigation but altogether ignored. Saying that this Republican committee report—so-called—was available to Senate Democrats is like saying we should have turned on FOX News for the lowdown on these tips—not actually.

As to the idea that we could have referred anything suspicious for further examination, I really don't know what these rightwing outlets are talking about. If they meant the FBI, that is not true. The FBI and the White House had agreed that the investigation was over as far as they were concerned. If they mean the Senate Judiciary Committee, that is as laughable as the 28-page whitewash.

One last signal here. The FBI continues to dodge questions about this investigation. It was over 2 years ago that Senator COONS and I asked simple, direct questions about the tip line. Only this summer did we receive the first smidgeon of a response. The response deflected us to an MOU between the White House and the FBI, which, when we dug around and found it, which we had to do ourselves, proved not to substantiate what we were being told. So we repeated our questions and repeated our questions, and last week, Director Wray appeared in Senate Judiciary and promised answers in 2 weeks. We will see.

As a prosecutor, I know those cases where you can't go forward, for a victim, with charges. There could be innumerable reasons, but sometimes you just can't. In those unfortunate cases, it can matter a great deal to the victim that she at least got an honest and thorough investigation of her claim. Dr. Blasey Ford was denied even that. The FBI sacrificed her to the gale-force political pressure applied by the scheme to get this well-auditioned nominee into place.

And let's get real. You don't apply gale-force political pressure for judges who are just going to call balls and strikes. Four hundred million dollars—\$400 million—has been spent in dark money on this Court-capture scheme. For \$400 million, you don't want balls and strikes. You want judges who will throw the game for you. You want what you paid for—a captured Court. And if you look at its track record, that is this Court. It is the Court that dark money built, and it is delivering.

To be continued.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

REMEMBERING JOHN KENNEDY BAILEY

Mr. MANCHIN. Madam President, I rise today to honor the life and legacy of a diligent public servant and proud West Virginian who was recently taken from us far, far too soon. His name was John Kennedy Bailey. Gayle and I extend our deepest condolences to the members of John's beloved family.

I have known John since he was a child. He grew up in Fairmont, my home area, with an absolutely loving family. I have been so proud to watch him grow into such a hard-working, compassionate person who raised his own loving family. My heart aches for his whole family but especially his wife Holly and their children, Jack, Brooks, and Lisette, whose lives have been changed in a tragic instant.

It is in these sorrowful moments that we see how much a person meant to so many. Since we lost him, John's friends have stepped forward with stories of his compassion, his kindness, and of his public service. I know that all of us who are grieving him find comfort that his last measure was giving himself through organ donation, sharing the gift of life for someone who needed it most.

When I think of John, I think of a man who all of us aspire to be—a man who lives life to his fullest, makes the most of every day by giving back to those around him. I think of the words of Dylan Thomas, a Welsh poet, who described such a man as:

Good men, the last wave by, crying how
bright
Their frail deeds might have danced in a
green bay,
Rage, rage against the dying of the light.
Wild men who caught and sang the sun in
flight,
And learn, too late, they grieved it on its
way,
Do not go gentle into that good night.

John lived every day by catching the Sun in flight, and that is one of the many reasons that so many people loved him. It is my hope that his friends and family have found peace, strength, and support in one another and in the support of our entire home State as we mourn our shared loss of this wonderful, wonderful person. That is why it is befitting that his life is forever memorialized in this CONGRESSIONAL RECORD through this speech on the U.S. Senate floor today.

John represented the very best of West Virginia from a very young age. As a Knight of the Golden Horseshoe in eighth grade, president of his senior class at Fairmont Senior High School, and attendee of the Mountaineer Boys State, he excelled throughout his entire scholastic career—so much so that after graduating from Yale University, he joined Congressman Nick Rahall's staff, helping West Virginians in Washington, DC.

But the call of the mountains was strong for John, and he returned home to attend WVU Law School. While at WVU Law, he clerked on Wall Street but knew his biggest impact would be in his home State, so he found his way to Charleston. John was dedicated to bettering the Charleston community as the owner of his own law firm and while serving as city councilman.

John was dedicated to his community, whether through his recent mission to revive Charleston's recycling program or his brilliant idea to increase the Cardinal Train's service to Charleston that he recently worked on with my office.

John was not only a dedicated public servant but a talented attorney and successful businessman. He will be remembered for his professional abilities, as well as his service to his community. But most importantly, John will be remembered for his commitment to his children and family, spending much of his time at Jack, Brooks, and Lisette's many activities. He was well-known among the staff and parents of Capital-Midwestern Little League, Capital High School, Horace Mann Middle School, and Mountaineer Montessori. He would stop by the community center often just to see how the staff and students were doing.

John was so very kind and always thinking of how he could make his community better, no matter how out of the box his ideas seemed to be. He never met a stranger, and was also such a good friend to myself, my Charleston staff, and all West Virginians.

What is most important is that he lived a full life, surrounded by the people he loved most. I extend my deepest condolences to John's wife, Holly; and their children, Jack, Brooks, and Lisette; his parents, Joyce and former State Treasurer Larrie Bailey; his siblings, Anne and David, and their families; and his many friends and extended family. We will forever keep John and his family in our prayers.

Godspeed, John. We miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Madam President, the crisis along our southern border is bad and has been getting worse since Joe Biden became President.

Last month, more than 200,000 migrants crossed our southern border—the second month in a row that we have seen a number that high. Since

President Biden raised his right hand and took the oath of office on January 20, Customs and Border Protection has stopped more than 1.2 million border crossers. That is nearly triple the total number it was at this point in the Obama administration, and more than eight times the number of migrants stopped at this point during the Trump administration.

These numbers have real consequences. Migrants are exploited, abused, raped, and some die on their dangerous trips to our border. Once they arrive, Border Patrol, local law enforcement, and nongovernmental organizations are expected to do a lion's task with a mouse's resources, and the surge of resources to migrants leaves serious security vulnerabilities that are exploited by cartels and criminal organizations.

Even before this current crisis with Haitians, Border Patrol officials have told me, just to deal with unaccompanied children and the number of migrants coming to the border, that as many as 40 percent of the Border Patrol have had to leave the front lines of protecting the border, which means that the drug cartels can simply exploit those gaps in the Border Patrol's security line in order to move illegal drugs into the United States that, last year alone, took the lives of more than 90,000 Americans by overdose.

As though things weren't challenging enough already, the city of Del Rio, with a population of 35,000 people, has been flooded by a group of nearly 15,000 migrants. Can you imagine? A city of 35,000 sees this huge human tsunami of 15,000 migrants almost exclusively from Haiti.

By the way, this ought to demonstrate that this is not just a regional phenomenon. I know the Vice President went down to Central America and said that she talked to the Presidents of the Central American countries, of the Triangle countries, and said: Please don't send your people to the United States.

Meanwhile, the green light was on at the border as a result of the refusal to enforce the basic security laws that were put in place by the previous administration. In fact, it looks like the guiding principle of the Biden administration was, whatever the previous administration did, we are going to undo it.

They forgot to put an alternative plan in place, and so the people keep coming—1.2 million migrants, just so far, since the Biden administration began. Well, migrants have now set up a camp under the International Bridge in Del Rio, in 100-degree temperatures. And they have been so brazen that they literally have gone back and forth across the river to Mexico to purchase supplies—food, water, or whatever. They have been able to go back and forth virtually at will.

Border Patrol and State and local officials have been working around the clock to ease the humanitarian crisis

that President Biden and his policies created, and they are being overwhelmed.

As I said, Del Rio isn't a huge city with unlimited resources. It is, roughly, 2½ times the size of the migrant group, and like other border communities, the city has experienced a one-two punch in the last year and a half because of COVID-19. First came the pandemic and a full range of new expenses. Then the strain was compounded by the restrictions on so-called nonessential cross-border travel, which has been in place for a year and a half.

Pre-pandemic folks from Mexico, if they had the proper paperwork, would travel across the border to shop, to eat, and to visit family members, and they were huge economic drivers of our border communities.

The Federal Reserve Bank of Dallas estimated that, prior to these restrictions, between 40 to 45 percent of all retail activity in Laredo, for example, was attributable to Mexican nationals. That has dried up completely.

Leaders in Texas, like the ones I met with in Brownsville last week, are struggling to understand the contradiction between the Biden administration's two different approaches. On the one hand, the administration is saying it is too dangerous for Mexican nationals to visit families in Texas or to shop in our stores because of the virus; but on the other hand, the administration is allowing 1.2 million migrants to cross our borders—untested, unvaccinated, most of whom are simply waved on through into the interior of the United States and told to appear at a future court hearing, which most of them will never show up for.

We simply don't know what kind of risks these untested, unvaccinated migrants who are being waved into the interior of the United States could pose to communities in Texas or across the country.

Just last week, the Department of Homeland Security Office of Inspector General found that, without stronger COVID-19 testing measures in place, the Department is putting everyone—migrants, Border Patrol agents, Customs agents, and the local communities along the border—at greater risk.

Still, the Biden administration has refused to take any sort of serious action that would stop the flood of humanity coming across our border. Yes, they have paid lip service. They have said: Don't come.

Meanwhile, the migrants are on the phone, talking to family in the United States, or they are simply watching American TV as the flood of humanity continues to come across the border without there being any real consequences.

On Friday, the current surge of primarily Haitian migrants became so overwhelming that the Biden administration closed a legal port of entry in Del Rio, as well as interior checkpoints.